THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10405 of 1998

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the impugned Memo No.10291/N1/97-2 MA dated 28.2.1998 passed by the first respondent as arbitrary and illegal and consequently direct the respondents to absorb the petitioner as ANM in second respondent-Corporation with effect from 25.11.1993 and pay all consequential benefits.

The facts are not much in dispute. It appears, petitioner was appointed temporarily on part-time basis as ANM (N.M.R.) in the UCD Project of Municipal Corporation of Viayawada vide proceedings dated 29.3.1985. According to the petitioner, though services of her juniors were regularized, her services are not regularised. Therefore, earlier she filed W.P.No.1213 of 1997 and the same was disposed of by this Court on 29.1.1997 directing the Municipal Commissioner to consider her case for absorption in terms of G.O.Ms.No.212 dated 22.4.1994 if the petitioner complies with all the terms and conditions laid down in the said G.O. When the order of this Court was not complied with, petitioner filed contempt case, and after filing the contempt case, second respondent recommended the case of the petitioner through proceedings dated 20.2.1997. It appears Government issued G.O.Ms.No.212 dated 22.4.1994 for regularization of part-time employees who had completed five years of service as on 25.11.1993. In the guise of the said G.O., the impugned order dated 28.2.1998 has been issued stating that the petitioner had not completed five years of service as on 25.11.1993.

Under similar circumstances, when five years service required under G.O.Ms.No.212 dated 22.4.1994 as on 25.11.1993 was insisted

upon, this Court categorically held that five years period should be reckoned preceding the date of consideration and not as on 25.11.1993. Applying the same analogy to this case, I am of the opinion that the petitioner had put in more than 10 years of service as on the date of consideration of her case i.e. 22.2.1997.

In view of the above, I am of the opinion that the impugned order dated 28.2.1998 is liable to be set aside and accordingly set aside and the second respondent is directed to reconsider the case of the petitioner as per G.O.Ms.No.212 Finance and Planning (FW.PC.II) Department dated 22.4.1994 for regularization of her services treating that she had completed 10 years of service as on 22.2.1997, and pass appropriate orders, as per law, within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No order as to costs.

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C.V.RAMULU,
J

Date: 9.8.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10405 of 1998

9.8.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.10405 of 1998

Date: 9th August, 2007

Between:

Smt.Namburi Vijaya Margaret

.. Petitioner

And

The Principal Secretary,
Municipal Administration and
Urban Development (NI) Department,
Government of A.P., Secretariat,
Hyderabad & another.

.. Respondents